

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMANUEL D. FAIR,
Plaintiff,

v.

KING COUNTY, a political subdivision of
the State of Washington, et al.; CITY OF
REDMOND, a municipal entity and political
subdivision of the State of Washington, et al.;
the REDMOND POLICE DEPARTMENT;
BRIAN COATS, in his personal capacity;
RON J. HARDING, in his personal capacity;
LENWORTH G. KNOWLES, in his personal
capacity; GREG MAINS, in his personal
capacity; GREG L. PATRICK, in his personal
capacity; LON SHULTZ, in his personal
capacity; DAVID SOWERS, in his personal
capacity; ANN MARIE FEIN, in her personal
capacity; SHAWN MCCRILLIS, in his
personal capacity; KRISTI WILSON, in her
personal capacity; TERRY MORGAN, in his
personal capacity; JAN FULLER, in her
personal capacity; JEFF BAIRD, in his
personal capacity; TODD CLARK, in his
Personal Capacity; JOHN DIAZ, in his
personal capacity, and JOHN DOES 1-20,
Defendants.

NO. 2:21-cv-01706-JHC

STIPULATED MOTION TO STAY
DISCOVERY PENDING THE OUTCOME
OF DEFENDANTS' CR 12(c) MOTIONS
TO DISMISS AND ORDER TO STAY

Noted for Consideration: January 23, 2023

STIPULATED MOTION TO STAY
DISCOVERY PENDING THE OUTCOME OF
DEFENDANTS' CR 12(c) MOTIONS TO
DISMISS- 1
(Case No. 2:21-cv-01706-JHC)

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I. STIPULATION

For good cause shown and pursuant to Federal and Local Rule of Civil Procedure 16(b)(6), and this Court’s broad discretion over discovery matters, Plaintiff Emanuel D. Fair, Defendants City of Redmond, Brian Coats, Ron J. Harding, Greg Mains, Greg L. Patrick, Lon Schultz, David Sowers, Ann Marie Fein, Shawn McCrillis, Kristi Wilson, Terry Morgan, Lenworth G. Knowles, and Jan Fuller (collectively “the City Defendants”), and Defendants King County, Jeff Baird, Todd Clark, and John Diaz (collectively “the County Defendants”) respectfully and jointly move the Court for entry of an order staying all discovery deadlines in this matter until a decision has been issued on the Defendants’ CR 12(c) motions to dismiss. (Dkt. 43, 67.)

For good cause shown and with the Court’s consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(6). Further, this Court has “broad discretion to stay discovery pending the resolution of potentially dispositive motions.” *See Dorian v. Amazon Web Services, Inc.*, No. 2:22-cv-00269, 2022 WL 3155369, *1 (W.D. Wash. Aug. 8, 2022); *see also Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988); *Taylor v. McDonough*, Case No. 20-5471 RJB, 2021 WL 9649333 (W.D. Wash. May 17, 2021).

In January 2023, the County Defendants inquired with Court via email about the status of its motion to dismiss. The Court responded that there was no timeline for a decision on the motion. The Court also invited the parties to file a motion to adjust the case schedule if appropriate. The parties previously submitted a stipulated motion and order to amend the case schedule in August 2022, which the Court granted. (Dkt. 65.)

After the Court’s January 2023 email, the parties conferred regarding the status of

1 discovery and whether to modify the case schedule. The parties have cooperatively exchanged
2 extensive written discovery thus far, and the next step in discovery will involve depositions and
3 then expert disclosures and reports. Depositions, and preparation thereof, involve significant time
4 and expense for any party. Similarly, preparation of expert reports will also require the parties and
5 their experts to expend significant time and resources.

6 The parties also conferred about the efficiency of any further discovery, written or
7 otherwise, while the motions to dismiss are pending. The parties agree that, rather than seeking
8 further extensions of the case deadlines, and potentially expending time and resources on multiple
9 stipulations to continue, a more efficient course of action would be to file a stipulated motion to
10 stay discovery pending the outcome of the Defendants' motions to dismiss. Once a decision has
11 been issued, if necessary, the parties will confer and prepare a new case schedule for the Court's
12 consideration. The parties now jointly move the Court for an order to that effect.

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- 14 1. All discovery deadlines in this case shall be stayed until the Court issues a decision on
15 the pending motions to dismiss filed by the City Defendants, (Dkt. 43), and the County
16 Defendants, (Dkt. 67).
- 17 2. After the Court has issued a decision on the aforementioned motions to dismiss, the
18 parties shall confer and submit to the Court a stipulated order lifting the stay and
19 proposing a new case schedule under which discovery will be completed.

20 ///

21 ///

1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

2 DATED this 23rd day of January, 2023.

3 By: /s/ Stuart A. Cassel

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Attorneys for Plaintiff

II. ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised on the premises, now, therefore, it is hereby ORDERED that:

1. All discovery deadlines in this case shall be stayed until the Court issues a decision on the pending motions to dismiss filed by the City Defendants, (Dkt. 43), and the County Defendants, (Dkt. 67).
2. After the Court has issued a decision on the aforementioned motions to dismiss, the parties shall confer and submit to the Court a stipulated order lifting the stay and proposing a new case schedule under which discovery will be completed.

ENTERED this 23rd day of January, 2023.



THE HONORABLE JOHN H. CHUN
United States District Court Judge

Prepared by presented by:

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2023, I caused a true and correct copy of the foregoing document to be filed with the Clerk of Court using the Court's ECF system, which will give notice to all participating counsel of record below; and I further certify that I have served all non-participating counsel via the manner indicated below:

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